United Nations S/2007/521

Security Council

Distr.: General
31 August 2007

Original: English

Letter dated 30 August 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Further to my letter of 30 March 2007 and its annex (containing the progress report on the implementation of the Comprehensive Peace Agreement (S/2007/185)), I have the honour to transmit to you the latest updated report as of 20 August 2007 (see annex).

I would be grateful to you if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

07-49472 (E) 060907

Annex to the letter dated 30 August 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Implementation of the Comprehensive Peace Agreement: progress report

Firstly: Implementation progress (Updated to 20 August 2007)

1. **Approval of the CPA**

Both the former National Assembly and the Liberation Council of the SPLM approved the CPA in January 2005.

2. **Power-sharing Protocol**

National level

Interim National Constitution (INC):

(a) The two parties, in accordance with the CPA prepared a draft Interim National Constitution;

(b) The National Constitution Review Commission (NCRC) was established on 30 April 2005. It accomplished its mandate by adopting the draft Interim National Constitution on 18 June 2005;

(c) Seventeen parties and political institutions participated in the work of the National Constitutional Review Commission that prepared the draft constitution;

(d) Both the former National Assembly and the Liberation Council of the SPLM approved the Interim National Constitution;

(e) The President of the Republic signed the Interim National Constitution on 9 July 2005.

Appointment of the two Vice Presidents:

On 9 July 2005, the President of the Republic issued a Presidential decree appointing the first Vice President and the Vice President. They were both sworn in on the same day.

Government of National Unity:

(a) The Government of National Unity was appointed on 20 September 2005 and sworn in on 22 September 2005;

(b) The Government of National Unity is composed of 14 parties and political Organizations.

The National Assembly:

(a) The National Assembly is composed of 450 seats representing 17 parties and political organizations;

(b) The Assembly held its inaugural session on 31 August 2005.

The Council of States:

(a) The Council of States is composed of 50 members, two for each State in addition to two observer members representing the Abyei Area, who are yet to be appointed;

(b) The Council of States held its inaugural session on 31 August 2005.

The Assessment and Evaluation Commission (AEC):

(a) On 30 October 2005, a Presidential Decree was issued establishing the AEC;

(b) On 1 November 2005, a Presidential Decree was issued appointing the members of the Commission;

(c) The Commission inaugurated its functions in the presence of the representatives of the international community;

(d) The rules of procedure of the Commission have been approved by the Presidency;

(e) The Commission held 17 meetings;

(f) The Commission formed four (4) workings for the protocols of the CPA, which are meeting and reporting regularly to the AEC.

The Committee to draw the 1/1/1956 borders between North and South Sudan:

(a) The Presidential Decree establishing the Committee was issued on 8 September 2005;

(b) On 20 November a Presidential Decree appointing the Chairman and members of the Commission was issued;

(c) The Committee held its first meeting on Thursday, 9 March 2006, and continued to hold its regular meetings;

(d) The Committee approved its budget and its rules of procedure have been approved by the Presidency;

(e) The Committee set out a plan of action for the coming period and started it by tours to the Juba and the states;

(f) For the purpose of data collection members of the Committee will pay visits to the United Kingdom of Great Britain and Northern Ireland and Egypt;

(g) Technical equipments, determined by the Committee, have been imported;

(h) The Committee finished most of its primary field work;

(i) The Committee visited the United Kingdom and Egypt to collect more data;

(j) The Committee will submit its report by February 2008 as decided by the Presidency.

The Judicial Service Commission:

(a) Following the adoption by the National Assembly of the Judicial Service Commission Act on 14 September 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states. The President of the Republic approved it on 5 October 2005;

(b) On 6 December 2005 the Presidential Decree appointing the chairperson and members of the Commission was issued;

(c) At its 1st meeting, the Commission referred its nominations for the Constitutional Court to the Council of States. The Commission holds regular meetings.

Constitutional Court:

(a) Following the adoption by the National Assembly of the Constitutional Court Act on 19 September 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states. The President of the Republic approved it on 9 November 2005;

(b) In accordance with the recommendation of the Judicial Service Commission and the approval of the Council of States, the President, on 24 December 2005, issued a Republican Decree appointing the President and members of the Constitutional Court;

(c) The President and members of the Constitutional Court were sworn in and commenced their functions.

National Population Census Council:

(a) Prior to its establishment, since the Pre-Interim period the census bureaus of GOS and GOSS met regularly inside and outside Sudan together with the United Nations Population Fund (UNFPA) to prepare the ground for the census;

(b) The Presidential Decree establishing the Council was issued on 7 January 2006;

(c) The Council held its first meeting on 7 March 2006;

(d) The Council approved the proposal of the organizational setup of the census, including the formation of the National Technical Committee (NTC);

(e) The 2nd meeting of the Council was scheduled on 19 July 2006;

(f) The estimated budget for the fifth national census will be 73 million United States dollars ($). Out of this the Government of National Unity will contribute $40 million and the rest will be contributed by the donors through the MTDF;

(g) The pilot census project took place between 15 and 30 April 2007. The pilot project evaluated the plan for the census and lessons learned were drawn;

(h) Enumeration will take place on 2 February 2008.

The National Constitutional Review Commission (NCRC):

(a) A Presidential Decree was issued on 7 January 2006 for the purpose of restructuring NCRC according to the power-sharing formula and in accordance with the Interim National Constitution;

(b) A joint committee between NCP and SPLM will jointly address the political parties on their participation in the Commission;

(c) A Presidential Decree was issued on 29 April 2006 appointing the members and co-chairs of NCRC;

(d) NCRC convened and passed four bills: The Political Parties Act, Civil Service Commission Act, the Human Rights Commission Act and the Council for Development and Promotion of National Languages Act;

(e) Under way are the bills of the National Land Commission and the National Electoral Law (National Electoral Commission).

Representation in the Administration of the National Capital:

(a) An agreement has been reached within the Presidency;

(b) The Governor of Khartoum State formed the state Government after the adoption of the state constitution according to the agreement reached.

Special commission to ensure the rights of non-Muslims in the national capital:

(a) There is an agreement within the Presidency to establish the commission and consultations are under way for its formation;

(b) Criteria of appointing members of the Commission approved by the Presidency;

(c) The Presidential Decree establishing the Commission is issued;

(d) The Presidential Decree appointing the chairman and the members of the Commission is issued;

(e) The commission is meeting regularly;

(f) Both the commission budget and its internal rules and regulation are approved by the Presidency;

(g) The commission adopted a workplan to guide its work.

The National Civil Service Commission:

(a) A preparatory team presented a first draft after consultations during which national and international experts participated;

(b) A draft act has been presented to the Presidency;

(c) The National Assembly passed the bill received from NCRC and the Council of Ministers;

(d) The Presidential Decree appointing the chairman and the members of the Commission has been issued;

(e) The Commission held its first meeting on 21 August 2007.

The Human Rights Commission:

The National Land Commission:

Repatriation of refugees:

(a) Tripartite agreements have been signed by GONU, the United Nations High Commissioner for Refugees (UNHCR) and neighbouring countries to facilitate the repatriation of the Sudanese refugees;

(b) Some preparations between the relevant government and authorities are under way to facilitate the resettlement of the displaced to the South and other war-affected areas.

The National Security Service/National Security Act in accordance with the Interim National Constitution:

(a) Consultations are under way between the two parties. A number of meetings and workshops have been held on the issue;

(b) Deputy Director of the intelligence and security bureau had been appointed from SPLM;

(c) One hundred and seven (107) officers from SPLM were appointed by the President of the Republic in the intelligence and security bureau.

Southern Sudan level

Vice President of GOSS:

The First Vice President and President of the Government of Southern Sudan (GOSS) appointed the Vice President of GOSS.

The Provisional government for Southern Sudan:

Pending the adoption of the Southern Sudan constitution, the first Vice President and President of GOSS appointed a caretaker government to run the region's affairs.

The Transitional Legislative Assembly for Southern Sudan:

(a) The First Vice President and President of GOSS appointed the Transitional National Assembly for Southern Sudan;

(b) The Assembly is composed of 170 members representing eight parties.

The Interim Constitution for Southern Sudan:

(a) A Committee of SPLM prepared the draft southern Sudan Constitution. Some discussions on it were conducted with the NCP;

(b) The Southern Sudan Assembly adopted the Southern Sudan Constitution;

(c) The Ministry of Justice issued the certificate of compatibility with National Constitution;

(d) The First Vice President and President of the Government of Southern Sudan signed the Southern Sudan Constitution.

State level

Appointment of Governors in the North and South:

Governors for both Northern and Southern States were duly appointed.

Legislative Assemblies for States in the North and South:

Legislative Assemblies for the States in both North and South have been formed.

Model Constitution:

The National Constitutional Review Commission prepared a model constitution to guide the states in promulgating their own constitutions.

State Constitutions:

(a) North

All Northern states have adopted their constitutions and their Governors have signed them.

(b) South

1. All Legislative Assemblies in southern states passed the draft of their constitutions, which have been sent, through the Government of Southern Sudan, to the National Ministry of Justice for compatibility certificates.

2. The National Ministry of Justice issued a compatibility certificate to the constitution of the state of Eastern Equatorial; the other nine southern state constitutions were sent back to the states legislative assemblies to consider some observations regarding the compatibility of the Interim National Constitution and the southern Sudan constitution.

3. The two authorities reached an agreement in which they adopted a model constitution for the southern Sudan states.

State Governments:

(a) North

All States have formed their State Governments.

(b) South

Pending the adoption of their constitutions caretaker Governments have already been appointed for southern states.

3. Wealth-sharing Protocol

Joint National Transitional Team (JNTT):

(a) The JNTT has been established to follow up the donors assistance flow according to the pledges made at the Oslo conference to meet the needs estimated by the Joint Assessment Mission (JAM);

(b) After the formation of the GONU it was agreed to restructure the JNTT;

(c) On 5 December 2005, a Presidential Decree was issued appointing the JNTT and its executive Committee;

(d) Prepared in collaboration with the World Bank and the international community, a consortium on the Sudan was to be held in Paris on 9 March 2006;

(e) The JNTT held its regular meetings to follow up the inflow and the use of the pledged donations and to prepare for the donors consortium meetings to convene in Khartoum and Juba on 20 March 2007.

Multi-Donor Trust Funds (MDTFs):

With the participation of the two parties and the international community, two MDTFs have been established for the North and South.

National Petroleum Commission (NPC):

(a) A Presidential Decree was issued on 30 October 2005 establishing the National Petroleum Commission;

(b) On 1 November 2005 a Presidential Decree named the members of NPC;

(c) The NPC held its first meeting on 26 November 2005;

(d) The two Parties agreed on the mechanism of negotiating new oil contracts and the formation and duties of the secretariat;

(e) The rules of procedure of the Commission have been signed by the co-chairs;

(f) The Commission managed to solve the problem in block 5 and block B along the line of the CPA (the protocol on wealth-sharing), taking into consideration the recommendations of the executive committee that were established by the joint meeting of the two parties.

The Joint Committee for Monitoring and Calculation of the Oil Net Revenue:

(a) Consultations due between the Ministry of Finance (MF) and GOSS were held;

(b) Discussions were conducted on the issue and agreement on the price of the petrol barrel was reached for the purpose of the 2006 budget;

(c) Pending the establishment of the Committee, an ad hoc joint technical committee looked into the production of oil and net revenue for 2005 and January 2006 and the shares of GOS, GOSS and producing states; the report of the ad hoc committee was presented to the Presidency on 4 March 2006 by the minister of finance, state minister of finance, Southern Sudan minister of finance and the governor of the Central Bank;

(d) The Presidential Decree to establish the Committee was issued on 25 February 2006;

(e) The Committee issued its monthly reports on the share of the Government of Southern Sudan and the three producing states up to July 2007.

The Fiscal and Financial Allocation and Monitoring Commission (FFAMC):

(a) The Presidential Decree establishing the FFAMC was issued on 15 November 2005;

(b) The Presidential Decree appointing the Chairman and members of the Commission was issued on 20 November 2005;

(c) The convening of the Commission has been delayed because the appointments of some of the state ministers of finance have not been completed and the chairman of the Commission was for some time contributing to the Abuja talks;

(d) The Commission held its first meeting and its rules of procedure were approved by the Presidency;

(e) Experts have been appointed to assist the Commission;

(f) The President issued a second decree to accommodate the Darfur and East Agreements;

(g) For the purpose of 2007 budget, the Commission sent to the Presidency its proposal on the vertical allocation between the Federal Government and the Northern states.

Board of Directors of the Central Bank:

(a) Following the adoption by National Assembly of the Central Bank Act on 25 September 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states. The President of the Republic approved it on 15 October 2005;

(b) A Presidential Decree appointing two deputy governors of the Central Bank was issued in November 2005;

(c) A Presidential Decree appointing the chairperson and members of the Board of Directors was issued on 20 November 2005;

(d) The Board held two meetings and presented a report to the Presidency on the establishment of a branch of the Central Bank in the South and the issuance of the new currency.

Issuance of the new currency:

(a) Consultations started following the signing of the Peace Agreement within a joint committee of the Central Bank and SPLM before the formation of GOSS;

(b) It was agreed to print a new currency;

(c) The design of the new currency and budget were agreed (it was presented as part of JAM);

(d) It was agreed that the new currency would be called the pound and that each pound would be equivalent to one hundred dinars in the existing currency;

(e) As donors are largely behind fulfilling their commitments, it was agreed by the Presidency to finance it from the OSA on a loan basis;

(f) On 9 January 2007 the Central Bank introduced the new currency giving priority in the replacement process to the South;

(g) The replacement process all over the Sudan will continue up to 3 August 2007 when the dinar will be declared to be no longer legal tender.

4. Resolution of the conflict in Southern Kordofan and the Blue Nile States

All above-mentioned items under the State level apply to both states;

A presidential decree established an Assessment and Evaluation Commission for each state to assess and evaluate the implementation of the Comprehensive Peace Agreement in the two States;

The State Land Commission is awaiting the formation of the National Land Commission.

Security arrangements:

Ceasefire Political Commission (CPC):

(a) A Presidential Decree was issued establishing the commission, which is comprised of the two parties and the United Nations, with observers from the Intergovernmental Authority on Development (IGAD) and the IGAD International Partner's Forum (IPF);

(b) A Presidential Decree was issued appointing its members;

(c) The Commission held its first meeting on 24 February 2006;

(d) The Commission issued its rules of procedure;

(e) The Commission received regular reports on the work of the Ceasefire Joint Military Committee (CJMC), which is composed of representatives from SAF, SPLA and UNIMUS, in 10 regular meetings;

(f) According to the CJMC report dated 20 August 2007, the status of redeployment of both SAF and SPLA is as follows:

(i) The initial state of SAF South line 1/1/1956 is 46,403:

a. SAF stated that 40,539 (including their component in the JIUs) are redeployed to north line 1/1/1956 amounting to 87.4 per cent;

b. CJMC verified that 40,539 (including SAF component in the JIUs) of SAF troops are redeployed to north line 1/1/1956 amounting to 87.4 per cent;

(ii) The initial state of SPLA north line 1/1/1956 is 59,168:

a. SPLA stated that 19,305 (including their component in the JIUs) are redeployed to south line 1/1/1956 amounting to 32.6 per cent;

b. CJMC verified that 4,081 (including SPLA component in the JIUs) of SPLA troops are redeployed to south line 1/1/1956 amounting to 6.9 per cent;

(g) The Commission supervises the work of the other armed groups collaborative committee.

The Joint Defense Board (JDB):

(a) Following the adoption by National Assembly of the Joint Integrated Units Act on 19 December 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states. The President of the Republic approved it on 20 December 2005;

(b) A Presidential Decree was issued appointing the Chairperson and members of the Board;

(c) The Council held its regular meetings;

(d) The Commander and Deputy Commander of the Joint Integrated Units had been appointed;

(e) The Board appointed its technical committee;

(f) The Board presented two progress reports to the Presidency;

(g) The Board approved the military doctrine and the joint training programme for the JIUs.

The Joint Integrated Units (JIUs):

(a) The troops of both Parties are now redeployed according to the Ceasefire Agreement in most of their gathering locations, including Khartoum and Juba, as a prelude to the formation and merger of the Joint Integrated Units (JIUs) after the adoption of the Establishment Act has been issued;

(b) The headquarters of SAF in Juba, Waw and Malakal have been shifted to the command of the JIUs;

(c) According to the CJMC report dated 20 August 2007, the status of deployment of the JIUs is as follows:

(i) The presently deployed troops amount to 80.7 per cent of the total target;

(ii) The status of deployment of both SPLA and SAF is as follows:

a. SPLA deployed 77.7 per cent of their target troops in the JIUs

b. SAF deployed 82.5 per cent of their target troops in the JIUs.

Other Armed Groups Collaborative Committee (OAGCC):

(a) Established as an ad hoc committee by the two Parties after signing the CPA and reconstituted by the CPC in 2006;

(b) Includes an observer from UNIMUS;

(c) Held six (6) meetings, recorded and observed with the UNIMUS the alignment of the OAGs with the forces of the two parties and the realignment and incorporation in the forces;

(d) Continuing to tackle the issue of the remaining forces from some OAGs;

(e) Co-coordinating with the DDR Commission to organize the reintegration programme.

National Council for De-mining:

(a) Two Presidential Decrees, one establishing the Council and the other appointing its Chairperson and members, were issued;

(b) The Council held its first meeting on 7 March 2006;

(c) The Council endorsed the framework of the national strategy on demining.

National Council for DDR:

(a) Prior to the establishment of the National, North and South DDR commissions, ad hoc committees had been formed and were functioning since the pre-interim period;

(b) The Presidential Decree establishing the National DDR Council was issued on 15 February 2006;

(c) Northern and Southern Sudan commissions for DDR have been established.

Secondly:

5. Parts of the Comprehensive Peace Agreement (under implementation — unimplemented yet)

1. **Abyei Protocol**

The leadership meeting of the two parties placed four (4) options for a final solution of the disagreement on the border of Abyei area (1905) before the Presidency, which, in its turn, passed it to the joint political committee for consideration and recommendation. The options are: (a) a political solution; (b) consideration by the Constitutional Court; (c) arbitration; or (d) inviting the experts to defend their report concerning the borders of the area.

2. **Information campaign**

3. Support for comprehensive and intensive efforts to activate the information campaign in all languages to popularize the CPA, foster the national unity, reconciliation and mutual understanding (The two parties at all levels of government).

4. **Social healing process**

Support for effective political and financial backup to the national reconciliation and social healing process (The two parties at all levels of government).

Thirdly:

6. The political partnership between NCP and SPLM

The two parties met from 27 to 29 May 2006 at the Friendship Hall with the intention of following up and reviewing the implementation of the CPA as well as strengthening and enhancing the political partnership between them.

The two parties were ensured of the ongoing implementation process while recognizing the substantive and circumstantial reasons that led to the delay in implementing some of its provisions. To this end the two parties jointly arrived at specific recommendations.

Concerning the political partnership, the two parties presented a joint paper on the concept of the partnership itself, its horizons, its dimensions and tools of implementation. They subsequently agreed on a combined mechanism that will contribute even more to spur the implementation process and enhance the political partnership, which includes:

1. Joint annual meetings for the Leadership Bureau of the NCP and the Political Bureau of SPLM.

2. Quarterly meetings of a joint leadership committee (1+8) of each party.

3. A monthly meeting of a joint political follow-up committee, which can also establish technical and other specialized committees as needed.

4. The joint political follow-up committee held several meetings at which it established subsidiary committees (economic, political, security). These have already started their assignment.

5. The joint leadership committee (1+8) held a series of meetings from 27 to 30 March 2007 and from 27 to 30 April 2007. The most prevailing conclusions it reached were as follows:

(a) The agreement on provisional bases, on the establishment of an interim administration for Abyei area, and for a limited period, until a final agreement over the borders of the Abyei area (1905) has been reached. The intention is to avoid subjecting the people of the region to unnecessary hardships due to the absence of functional administration, services and rehabilitation programmes. The joint political follow-up committee has been instructed to deliberate on possible executive mechanisms which can run to the interim administration;

(b) The establishment of a joint executive committee chaired by the Vice President and Vice President of the President of the GOSS to look into the problems connected with the performance of the national institutions in South Sudan and relations connecting the national level and South Sudan level and the Southern states, and also other matters already referred to the committee, including consideration of the problem of the two new companies (White Nile and ASCOM) in the already granted block B and 5B before the Peace Agreement to the two groups lead by Total and Petronas respectively;

(c) Establishment of a committee for information and media coordination.

6. No final agreement has yet been reached within the political follow-up committee on the executive mechanisms for the interim administration of the Abyei area.

7. An agreement on a handful of decisions and recommendations has been reached in the executive committee within the framework of the power schedules tables embodied in the transitional national constitution specifying the competences of the national level and South Sudan level and the States. The immediate implementation of these recommendations has already started through the convening of several meetings in Khartoum and Juba between the national Government institutions and the institutions of the GOSS and its other concerned circles.

8. The joint executive committee formed an ad hoc committee to look into the problem of the new companies (White Nile and ASCOM). The committee submitted a joint report to the executive committee in order to submit it to the leadership committee for approval as a prelude for a final decision by the concerned circle, which is, in this case and according to the CPA, the National Petroleum Commission.

9. Coordination meetings between the National information institutions and the concerned information institutions in the South have already started.